

INDIANA PUBLIC DEFENDER COMMISSION

MINUTES

December 5, 2001

At 3:10 p.m., Chairman Lefstein determined that a quorum was present and called the meeting to order. Present were Commission members, Sen. Richard Bray, Susan Carpenter, Les Duvall, Bettye Lou Jerrel and Rebecca McClure. Member Rep. Ralph M. Foley joined the meeting shortly thereafter. Also present were Larry Landis and Tom Carusillo.

1. Staff reported meeting in Johnson and Lawrence Counties and inquires from Well and Allen Counties. Information on public defender arrangements in other states was made available to the Supreme Court Committee meeting with the governor's office regarding the tax reform proposals. Though originally a part of the proposal total state funding for public defenders was not included in the bill sent to the legislature. Staff reported the acceptance of a new term by Bettye Lou Jerrel, and the anticipated appointment of Rep. Greg Porter of Marion County to take over the spot of Rep. Vernon Smith. A problem in Lake County with a death penalty attorney facing a suspension was discussed. Potential problems in Knox County dealing with reduction of the hourly rate and cutting bills were also noted. Finally, it was reported that claims in noncapital cases submitted to the next two meeting would be suspended and prorated.
2. The Commission next discussed the status of Marion County's compliance with the class D felony standards. It was reported that the county anticipated being in compliance January 1, 2002. It was noted that further communication was needed with the public defender to remind him of the need to also bring juvenile cases within the Commission standard.
3. The minutes from the August 29, 2001 meeting were reviewed and approved.
4. The Commission scheduled its next meetings for February 27, 2002 and May 29, 2002, both at 3:00 p.m.
5. The Commission approved reimbursements in capital cases as follows:

COUNTY	DEFENDANT		TOTAL
Greene	Leone		\$3,269.40
Harrison	Holland		\$10,733.99
Knox	Whipps		\$13,759.03
Spencer	Ward		\$3,177.27
Warrick	Stevenson		\$5,424.09
TOTAL			\$36,363.77

Rep. Foley questioned whether the attorney fees in death penalty cases were reviewed by the trial courts. It was indicated that the bills were generally approved by the courts as presented.

5. The Commission approved reimbursements in non-capital cases as follows:

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUS'T	ADJUS'D EXPEND.	40% REIMB.
ADAMS	07/01/01-09/30/01	43,196.74	-1,093.58	\$44,290.32	\$17,716.13
BENTON	08/06/01-11/09/01	\$8,457.00	\$941.40	\$7,515.60	\$3,006.24
BLACKFORD	07/01/01-10/31/01	\$12,565.75	\$0.00	\$12,565.75	\$5,026.30
CARROLL	07/01/01-09/30/01	\$23,276.75	\$0.00	\$23,276.75	\$9,310.70
CLARK	07/01/01-09/30/01	\$88,440.84	\$4,422.04	\$84,018.80	\$33,607.52
DECATUR	04/01/01-09/30/01	\$55,176.00	\$21,850.02	\$33,325.98	\$13,330.39
FAYETTE	07/10/01-09/28/01	\$34,443.72	\$210.00	\$34,233.72	\$13,693.49
FLOYD	07/01/01-09/30/01	\$65,419.32	\$0.00	\$65,419.32	\$26,167.73
FOUNTAIN	07/01/01-09/30/01	\$13,500.00	\$3,375.00	\$10,125.00	\$4,050.00
FULTON	04/01/01-09/30/01	\$40,041.81	\$0.00	\$40,041.81	\$16,016.72
GREENE	08/01/01-10/31/01	\$36,200.91	-\$72.00	\$36,272.91	\$14,509.16
HANCOCK	07/01/01-09/30/01	\$69,214.99	\$0.00	\$69,214.99	\$27,686.00
HENRY	09/01/01-11/01/01	\$84,555.80	\$348.00	\$84,207.80	\$33,683.12
KNOX	07/01/01-09/30/01	\$77,553.51	-\$5,346.28	\$82,899.79	\$33,159.92
LAKE	07/01/01-09/30/01	\$563,051.74	\$51.00	\$563,000.74	\$225,200.30
LAPORTE	07/01/01-09/30/01	\$88,109.67	\$0.00	\$88,109.67	\$35,243.87
MADISON	07/01/01-09/30/01	\$319,839.31	\$0.00	\$319,839.31	\$127,935.72
MARION	07/01/01-09/30/01	\$943,114.00	\$0.00	\$943,114.00	\$377,245.60
MIAMI	07/01/01-09/30/01	\$70,659.99	\$6,818.86	\$63,841.13	\$25,536.45
MONROE	07/01/01-09/30/01	\$78,012.00	\$0.00	\$78,012.00	\$31,204.80
MONTGOMERY	01/01/01-06/30/01	\$50,212.15	\$0.00	\$50,212.15	\$20,084.86
NOBLE	07/01/01-09/30/01	\$49,474.95	\$0.00	\$49,474.95	\$19,789.98
OHIO	01/01/01-11/12/01	\$9,200.37	\$0.00	\$9,200.37	\$3,680.15
PARKE	07/01/01-09/30/01	\$22,407.54	\$0.00	\$22,407.54	\$8,963.02
PERRY	09/01/01-11/07/01	\$17,820.31	\$686.56	\$17,133.75	\$6,853.50
PIKE	08/29/01-11/06/01	\$36,808.83	\$27,574.45	\$9,234.38	\$3,693.75
PULASKI	07/01/01-09/30/01	\$16,004.80	\$5,960.02	\$10,044.78	\$4,017.91
RUSH	08/01/01-10/31/01	\$26,666.87	\$6,041.75	\$20,625.12	\$8,250.05
SCOTT	08/07/01-11/06/01	\$44,200.83	\$15,028.28	\$29,172.55	\$11,669.02
SHELBY	07/26/01-10/31/01	\$54,159.02	\$0.00	\$54,159.02	\$21,663.61
SPENCER	07/30/01-10/31/01	\$17,024.77	\$0.00	\$17,024.77	\$6,809.91
STEUBEN	07/01/01-09/30/01	\$51,871.58	\$14,524.04	\$37,347.54	\$14,939.02
SULLIVAN	09/04/01-11/05/01	\$17,001.25	-\$3,338.30	\$20,339.55	\$8,135.82
SWITZERLAND	07/01/11/16/01	\$38,547.52	\$420.00	\$38,127.52	\$15,251.01
VANDEBURGH	10/01/00-12/31/00	\$121,508.12	\$0.00	\$121,508.12	\$48,603.25
VANDEBURGH	07/01/01-09/30/01	\$268,918.80	\$0.00	\$268,918.80	\$107,567.52
VERMILLION	04/01/01-09/30/01	\$23,588.63	\$0.00	\$23,588.63	\$9,435.45
VIGO	07/01/01-11/30/01	\$196,673.63	\$62,935.56	\$133,738.07	\$53,495.23
WARREN	08/01/01-10/31/01	\$12,928.65	\$0.00	\$12,928.65	\$5,171.46

WASHINGTON	07/01/01-09/30/01	\$30,097.14	\$7,825.26	\$22,271.88	\$8,908.75
TOTAL		\$3,819,945.61	\$169,162.08	\$3,650,783.53	\$1,460,313.41

A question was raised concerning counties estimating misdemeanor service by attorneys. Staff reported that an actual review of the cases indicated that the counties probably were overestimating the portion of expenses that should be attributed to misdemeanor cases.

6. Next, a discussion was had regarding the success of the reimbursement program in Vanderburgh County. It was noted that initial doubts from public defenders has been overcome and the program has been well received.
7. The Commission then discussed the proposal from Madison County to allow attorneys to handle some of their cases on a pro bono basis and not count them toward caseload compliance. This proposal was rejected by the Commission, though it was indicated that with further information regarding the types of cases and circumstances involved the Commission would reevaluate its position.
8. Larry Landis then reported to the Commission that the Public Defender Council's survey of juvenile caseload was not ready for presentation, but should be ready for the next Commission meeting.
9. The Commission finally reviewed a hypothetical involving how cases would be counted where a defendant is facing a violation of probation. The Commission confirmed its policy that the original charge counts as one case and any subsequent violation of probation counts as a second case. If however, the violation of probation is the result of a new felony, the new felony only is counted.
10. The next meeting of the Commission is set for Wednesday, February 27, 2002, at 3:00 p.m. in **South Tower, Room 1071**, (formerly Room 1088) 115 West Washington Street, National City Center, Indianapolis, Indiana.

Norman Lefstein, Chairman

Date